

# United States Senate

WASHINGTON, DC 20510

August 23, 2018

The Honorable Robert Wilkie  
Secretary of Veterans Affairs  
810 Vermont Ave, NW  
Washington, DC 20420

Dear Secretary Wilkie,

We write to you concerning a report from the VA's Office of the Inspector General (OIG), outlining widespread issues with the way the VA processes benefit claims for Military Sexual Trauma (MST).

As you know, MST is defined as a subset of psychological trauma resulting from sexual harassment, sexual assault, or rape that occurred in a military setting.<sup>1</sup> Sexual assault is among the most under-reported crimes, with nearly 2 out of every 3 survivors, both in and out of the military, declining to file a formal report with law enforcement officials. Because there is often a lack of formal corroborating evidence, the VA has appropriately recognized that alternative forms of support may be accepted to support a veteran's claim, including considering outside medical opinions and identifying other indicators of the effect of the trauma to corroborate the occurrence of the MST. These alternative forms of evidence, however, are useless to veterans if reviewers are not following established guidelines or aware that these additional forms of evidence should be considered.

The OIG report found that nearly half of denied benefit claims for MST were improperly processed. The report states, "This could have resulted in the denial of benefits to potential survivors of MST who could have been entitled to receive them." OIG's findings that reviewers often failed to gather the basic forms of evidence necessary to adjudicate a claim is troubling. Specifically, the report states that in more than a quarter of cases reviewed, staff failed to request a medical examination, even when there was sufficient evidence to warrant one. Additionally, in nearly 1 in 8 claims, the reviewers failed to request the veterans' private treatment records which could be used to validate the presence of MST.

We are glad the VA concurred with all six recommendations, however we remain concerned about how well these recommendations will be implemented. The OIG recommended the VA, "update the current training for processing MST-related claims...and take additional actions as

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<sup>1</sup> M21-1 Adjudication Procedures Manual, Part III, Subpart iv, Chapter 4, Section H, Topic 4, General Information on Personal Trauma. (Historical).

necessary” and the VA’s response noted that the Veterans Benefit Administration plans to mandate all reviewers “dedicated to handling MST claims complete this training course.” Unfortunately, the OIG makes it clear that the issue is not concerning the dedicated reviewers specializing in MST-related claims, but with other VA officials that lack this specialization and were thus unaware of the unique standards for handling these kinds of claims.

Unfortunately, survivors of sexual assault can face a number of obstacles in their recovery. When they reach out to the VA to receive benefits and treatment, we owe it to them to ensure they do not face the further injustice of an improper denial because VA staff lack proper training on how to handle their claims.

Given your long history of serving veterans both in and out of uniform, we know that you agree the OIG’s findings are unacceptable. We appreciate your continued commitment and partnership, and look forward to working together to improve the VA’s ability to serve veterans in the future.

In order to address the concerns raised in the OIG’s report and the VA’s response, we respectfully request a staff level briefing no later than September 5, 2018.

Sincerely,



Claire McCaskill  
United States Senator



Joni K. Ernst  
United States Senator